UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,319	01/26/2004	Vikram Madan	5486-0174PUS1	1220

67321 7590 05/16/2008

BIRCH, STEWART, KOLASCH & BIRCH, LLP
PO Box 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
LEWIS, ALICIA M	

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
05/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/766,319	MADAN ET AL.	
	Examiner	Art Unit	
	Alicia M. Lewis	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10,11,15,17,18 and 20-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10,11,15,17,18 and 20-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed February 11, 2008. Claims 10, 11, 15, 17, 18, 21, 23 and 24 are currently amended, claim 16 is additionally canceled, and claims 27 and 28 have been added. Therefore claims 10, 11, 15, 17, 18 and 20-28 are pending in this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 10, 20-23 are rejected under 35 U.S.C. 102(e) (*current application filing date 1/26/2004*) as being anticipated by Dawe et al (US 7,042,594 B1, *filing date 3/7/2000*) ('Dawe').

With respect to claim 10, Dawe teaches:

receiving a user input (col. 6 lines 48-50) defining boundaries of a selected region of a display, one or more graphical elements being displayed in the selected on-screen region (col. 6 lines 42-51);

capturing image pixels for displaying the one or more graphical elements, and storing the captured image pixels in an image file (col. 3 lines 60-63, col. 7 lines 40-42 and lines 61-65, col. 8 lines 1-3);

obtaining context information for the one or more graphical elements by automatically performing at least one of the following:

applying text recognition to an annotation drawn by the user on the display in proximity of the selected on-screen region, and storing the results of the text recognition as context information;

determining whether the one or more graphical elements represent textual data, extracting a character or word from the textual data, and storing the extracted character or word as context information (col. 5 lines 36-43, col. 7 lines 57-60); and

determining whether the one or more graphical elements is associated with underlying data, extracting a property of the underlying data from an application causing the one or more graphical elements to be displayed when executed in the computer-based system, and storing the extracted property as context information,

wherein the context information is automatically stored in association with the image file (col. 7 lines 57-60).

With respect to claim 20, Dawe teaches wherein the context information is stored in such a manner as to be accessible to a user for performing at least one of the following:

searching for said image file;

displaying the context information simultaneously with the captured image pixels (col.8 lines 1-16), and

navigating a network to a source of the captured image pixels.

With respect to claim 21, Dawe teaches wherein the one or more graphical elements comprises a first set of one or more textual characters, the method further comprising: obtaining the context information as text data obtained by performing text recognition on at least one of: the first set of one or more textual characters, and a second set of textual characters displayed in proximity with the first set (col. 7 lines 6-20 and lines 61-65).

With respect to claim 22, Dawe teaches wherein the selected on-screen region is part of displayed textual region, and the graphical elements comprise a first set of one or more textual characters displayed in the textual region, the method further comprising: obtaining the context information based on a second set of one or more textual characters displayed in the textual region (Fig. 4, col. 7 lines 6-20 and lines 61-65) (*The word "job" may be considered the second set of textual characters*).

With respect to claim 23, Dawe teaches wherein the step a) receives the user input based on movement of a stylus across the display (col. 5 lines 28-30).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 11, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawe et al (US 7,042,594 B1, *filing date 3/7/2000*) ('Dawe') in view of Oppermann et al. (US 6,334,157 B1, *filing date 3/11/1997*) ('Oppermann').

With respect to claim 11, Dawe teaches claim 10, including a selected on-screen region.

Dawe does not teach determining a window associated with the selected on-screen region; retrieving an application interface having a uniform resource identifier (URI) property from the determined window or parent window of the determined window; or obtaining the URI property as the context information.

Oppermann teaches programmatically providing direct access to user interface elements of an application program (see abstract), in which he teaches:

selecting user interface elements, such as text (col. 8 lines 43 and 49-51) and determining a window associated with the selected elements (col. 26 lines 37-40);

retrieving an application interface having a uniform resource identifier (URI) property from the determined window or parent window of the determined window (col. 25 lines 59-62, col. 28 lines 33-39); and

obtaining the URI property as the context information (col. 11 lines 1-9, 55-60, col. 12 lines 55-60, col. 13 lines 51-60).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dawe by the teaching of Oppermann because determining a window, retrieving an application interface having a uniform resource identifier (URI) property from the determined window or parent window of the determined window would enable accessibility aids the ability to access and manipulate user interface elements of any application program without having prior knowledge of the application program or its interface (Oppermann, column 4 lines 27-30).

With respect to claim 25, Dawe as modified teaches wherein the selected on-screen region includes at least a portion of a displayed web page or document (Dawe, Figure 4, col. 4 lines 38-42), and the step d) further comprises: using an application programming interface (API) to query the application for the context information (Oppermann, column 7 lines 36-38).

With respect to claim 26, Dawe as modified teaches wherein the step d) further comprises obtaining a uniform resource identifier (URI) of the web page or document as the context information (Oppermann, col. 11 lines 1-9, 55-60, col. 12 lines 55-60, col. 13

lines 51-60), the URI being obtained as a result of the query using the API (Oppermann, column 7 lines 36-38).

5. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawe et al (US 7,042,594 B1, *filing date 3/7/2000*) ('Dawe') in view of Browne et al. (US 2004/0135815 A1, *filing date 12/15/2003*) ('Browne').

With respect to claim 15, Dawe teaches claim 10.

Dawe does not teach creating and storing a linking structure as the association between the image file and the context information.

Browne teaches a method and apparatus for image metadata entry (see abstract), in which he teaches creating and storing a linking structure as the association between the image file and the context information (Figure 12, paragraph 136).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dawe by the teaching of Browne because teach creating and storing a linking structure as the association between the image file and the context information would enable an easy and efficient method of classifying and storing digital images of the scanned documents of Dawe (Browne, paragraph 14).

With respect to claim 18, Dawe as modified teaches wherein the linking structure includes at least one pointer pointing to the stored image file or the stored content information (Browne, paragraph 136).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawe et al (US 7,042,594 B1, *filing date 3/7/2000*) ('Dawe') in view of Browne et al. (US 2004/0135815 A1, *filing date 12/15/2003*) ('Browne') as applied to claims 15 and 18 above, and further in view of Newman (US 2003/0101156 A1, *filing date 11/26/2001*).

With respect to claim 17, Dawe as modified teaches claim 15.

Dawe as modified does not teach wherein the linking structure is incorporated in a file separate from the stored image file and the stored content information.

Newman teaches database systems and methods (see abstract), in which he teaches wherein the linking structure is incorporated in a file separate from the stored image file and the stored content information (paragraph 16).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Dawe by the teaching of Newman because wherein the linking structure is incorporated in a file separate from the stored image file and the stored content information would enable additional information about image files, such as the origination device, person who created the file, and data/time the file was created, to be transmitted and stored along with the image files (Newman, paragraph 16).

7. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawe et al (US 7,042,594 B1, *filing date 3/7/2000*) ('Dawe') in view of Saund et al. (US 2003/0182630 A1, *filing date 3/22/2002*) ('Saund').

With respect to claim 24, Dawe teaches claim 10.

Dawe does not teach digitizing movements of a stylus across the display in order to receive the user annotation; or obtaining the context information based on the received annotation.

Saund teaches a method for gestural interpretation in a system for selecting an arranging visible material in document images (see abstract), in which he teaches:

digitizing movements of a stylus across the display in order to receive the user annotation (Figure 3, paragraph 26); and

obtaining the context information based on the received user annotation (paragraph 31).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Dawe by the teaching of Saund because digitizing movements of a stylus across the display in order to receive the user annotation; or obtaining the context information based on the received annotation would enable the ability to execute unimpeded sequential input for freeform strokes of many types rapidly and without making explicit choices about user interface modes (Saund, paragraph 34).

8. Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawe et al (US 7,042,594 B1, *filing date 3/7/2000*) ('Dawe') in view of Hertzfeld et al. (US 2002/0076109 A1, *filing date 1/25/1999*) ('Hertzfeld')

With respect to claim 27, Dawe teaches:

receiving a path drawn on the display by a user via a stylus (col. 5 lines 28-30; col. 6 lines 48-50), the drawn path defining the boundaries of a selected on-screen region of the display (col. 6 lines 42-51);

capturing each pixel within the boundaries of the on-screen region (col. 3 lines 60-63, col. 7 lines 40-42 and lines 61-65, col. 8 lines 1-3);

storing the captured pixels as an image file (col. 3 lines 60-63, col. 7 lines 40-42 and lines 61-65, col. 8 lines 1-3);

automatically determining whether the content displayed within the on-screen region includes textual data (col. 6 lines 52-53, col. 7 lines 11-14);

if the displayed content of the on-screen region is determined to include textual data, automatically extracting a character or word from the textual data as context information (col. 7 lines 6-8 and 15-20); and

storing the context information in association with the image file, such that the context information is accessible when viewing the image file (col. 7 lines 57-60, col. 8 lines 1-16).

Dawe does not teach automatically determining whether the displayed content of the on-screen region includes underlying data comprising at least one of: an

executable object, a file, and a link to remote content; or if the displayed content of the on-screen region is determined to include underlying data, automatically extracting a property of the underlying data as context information, the property comprising at least one of: a file name, a file identifier, a uniform resource locator (URL), a uniform resource identifier (URI), a folder name, and meta-data.

Hertzfeld teaches a method and apparatus for context sensitive text recognition (see abstract), in which he teaches:

automatically determining whether the displayed content of the on-screen region includes underlying data comprising at least one of: an executable object, a file, and a link to remote content (step 608 in Figure 6, paragraph 38)

if the displayed content of the on-screen region is determined to include underlying data, automatically extracting a property of the underlying data as context information, the property comprising at least one of: a file name, a file identifier, a uniform resource locator (URL), a uniform resource identifier (URI), a folder name, and meta-data (step 616 in Figure 6, paragraph 38).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dawe by the teaching of Hertzfeld because automatically determining whether the displayed content of the on-screen region includes underlying data comprising at least one of: an executable object, a file, and a link to remote content; or if the displayed content of the on-screen region is determined to include underlying data, automatically extracting a property of the underlying data as context information, the property comprising at least one of: a file name, a file identifier,

a uniform resource locator (URL), a uniform resource identifier (URI), a folder name, and meta-data would enable recognition of predefined types of text and predefined actions to be performed based on the types of text (Hertzfeld, abstract).

The limitations "automatically extracting a character or word from the textual data as context information" and "automatically extracting a property of the underlying data as context information, the property comprising at least one of: a file name, a file identifier, a uniform resource locator (URL), a uniform resource identifier (URI), a folder name, and meta-data" are conditional statements, and thus optionally patentable. The limitations only occur IF another action occurs, and thus do not limit the claim.

9. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawe et al (US 7,042,594 B1, *filing date 3/7/2000*) ('Dawe') in view of Beauchamp et al. (US 2008/0046837 A1, *filing date 3/17/2003*) ('Beauchamp').

With respect to claim 28, Dawe teaches:

receiving a path drawn on the display by a user via a stylus (col. 5 lines 28-30; col. 6 lines 48-50), the drawn path defining the boundaries of a selected on-screen region of the display (col. 6 lines 42-51);

capturing each pixel within the boundaries of the on-screen region (col. 3 lines 60-63, col. 7 lines 40-42 and lines 61-65, col. 8 lines 1-3);

storing the captured pixels as an image file (col. 3 lines 60-63, col. 7 lines 40-42 and lines 61-65, col. 8 lines 1-3);

performing text recognition on an annotation to produce recognized text of the annotation as context information (col. 5 lines 36-43, col. 7 lines 6-20, col. 8 lines 19-29);

automatically determining whether the content displayed within the on-screen region includes textual data or other underlying data (col. 6 lines 52-53, col. 7 lines 11-14);

if the displayed content of the on-screen region is determined to include textual data, automatically extracting a character or word from the textual data as context information (col. 7 lines 6-8 and 15-20);

if the displayed content of the on-screen region is determined to include underlying data, automatically extracting a property of the underlying data as context information (col. 8 lines 19-26); and

storing the context information in association with the image file, such that the context information is accessible when viewing the image file (col. 7 lines 57-60, col. 8 lines 1-16).

Dawe does not teach receiving an annotation drawn on the display by the user via the stylus; or performing text recognition of the annotation (drawn on the display) to produce recognized text of the annotation as context information.

Beauchamp teaches a transparent windows method and apparatus (see abstract), in which he teaches:

receiving an annotation drawn on the display by the user via the stylus (paragraph 6); and

performing text recognition of the annotation (drawn on the display) to produce recognized text of the annotation as context information (paragraph 6).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dawe by the teaching of Beauchamp because receiving an annotation drawn on the display by the user via the stylus; or performing text recognition of the annotation (drawn on the display) to produce recognized text of the annotation as context information would enable optimization of pen-based annotations on a window of a software application (Beauchamp, paragraph 8).

The limitations "automatically extracting a character or word from the textual data as context information" and "automatically extracting a property of the underlying data as additional context information" are conditional statements, and thus optionally patentable. The limitations only occur IF another action occurs, and thus do not limit the claim.

Response to Arguments

10. Applicant's arguments with respect to claims 10, 11, 15, 17, 18 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia M Lewis/
Examiner, Art Unit 2164
May 12, 2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164